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AT ROANOKE, VA
FILED

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

APR 12 2017

JULIA S. DUDLEY, CLERK
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IN RE: DEPOSITION SUBPOENA)
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Civil Action No. 6:17mc2

**NON-PARTY'S CONSOLIDATED MOTIONS TO QUASH OR MODIFY
DEPOSITION SUBPOENA AND FOR ENTRY OF PROTECTIVE ORDER**

Now comes Jerry L. Falwell ("Falwell"), pursuant to Rules 30, 26 and 45 of the Federal Rules of Civil Procedure and other applicable law, and moves the Court to quash or modify the Subpoena to Testify at a Deposition in a Civil Action ("the Deposition Subpoena") and enter a protective order prohibiting Jasmin Hernandez from recording his scheduled deposition by videographic means. These motions rest on the grounds that follow and those explained in Falwell's supporting memorandum.

1, Pending in the United States District Court for the Western District of Texas, Waco Division, is Jasmin Hernandez v. Baylor University, et al., Civil Action No. 6:16-CV-00069 ("The Texas Action"). A copy of the Second Amended Complaint in the Texas Action is attached to Falwell's Memorandum in Support of Motion to Quash or Modify Deposition Subpoena as Exhibit A.

2. On April 3, 2017, counsel for Falwell accepted service of the Deposition Subpoena by electronic mail from counsel for the plaintiff in the Texas Action, Jasmin Hernandez ("Hernandez"). Falwell is a nonparty to the Texas Action. A copy of the Deposition Subpoena is attached to Falwell's Memorandum in Support of Motion to Quash or Modify Deposition Subpoena as Exhibit B.

3. The Deposition Subpoena calls for Falwell to be deposed in Lynchburg, Virginia, on May 1, 2017. This Court has jurisdiction under Rule 45 to adjudicate this discovery motion by a non-party.

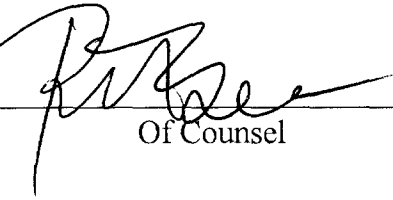
4. Appended to the Deposition Subpoena is Plaintiff's First Amended Notice of Oral and Videotaped Deposition of President Falwell and Document Request, which provides in relevant part, "The deposition will be recorded stenographically and on videotape."

5. Falwell opposes and takes issue with the videotaping of this deposition on the grounds that it subjects him to an unnecessary and undue burden, particularly since he has offered to travel to the Western District of Texas at the expense of his employer, Liberty University, and submit to examination under oath both as a third-party deponent and witness at trial.

6. As more particularly explained in Falwell's supporting memorandum, the Court should quash, modify or otherwise limit the Deposition Subpoena and associated notice of deposition by restricting Hernandez to a stenographic deposition pursuant to Rules 30, 45 and 26(c)(1) of the Federal Rules of Civil Procedure.

Wherefore, Jerry L. Falwell respectfully requests that the Court quash or modify the Deposition Subpoena and enter a protective order in his favor prohibiting Jasmin Hernandez from recording by video his scheduled deposition and grant him such further relief as the Court finds appropriate and available under Rules 26, 30 and 45 of the Federal Rules of Civil Procedure and other applicable law on the grounds set forth above and in Falwell's supporting memorandum.

JERRY L. FALWELL

By: _____
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Certificate of Service


I hereby certify that the foregoing Non-Party's Consolidated Motions to Quash or Modify Deposition Subpoena and for Entry of Protective Order was served by electronic mail and first class mail, postage prepaid on this the 12th day of April, 2017:

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